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**FISHERIES**

# Atlantic Highly Migratory Species



## Proposed Rule to Establish the Quotas, Opening Dates, and Retention Limits for the 2017 Atlantic Shark Commercial Fishing Season

September 2016

# Shark 2017 Proposed Shark Season Rule

- Published on 8/29/2016 (81 FR 59167)
- Proposed some adjustments to base quotas due to over- and underharvests
- Proposed to open all shark management groups approx. 1/1/2017
- Proposed commercial retention limits for directed permit holders:
  - W GOM – 30 LCS other than sandbar sharks/vessel/trip
  - E GOM – 45 LCS other than sandbar sharks/vessel/trip
  - ATL – 36 LCS other than sandbar sharks/vessel/trip
    - If quota is landed too quickly (e.g. if approximately 20 percent of quota is caught at the beginning of the year), NMFS anticipates inseason reduction (e.g., to 3 or fewer LCS other than sandbar sharks/vessel/trip). We would consider an inseason increase (for example, to 45 LCS other than sandbar sharks/vessel/trip) after considering the criteria for inseason adjustments around July 15, 2017

# Proposed Commercial Quota Adjustments

- Only the following adjustments are being proposed:
  -  the GOM blacktip shark management group sub-regional quotas based on underharvests
    - Eastern Sub-Region: 10.9 mt dw (23,961 lb dw)
    - Western Sub-Region: 100.3 mt dw (220,542 lb dw)
  -  the GOM and Atlantic smoothhound shark management group quotas based on underharvests
    - GOM: 168.2 mt dw (370,814 lb dw)
    - ATL: 600.9 mt dw (1,323,862 lb dw)
- At this time, no change to the W GOM hammerhead shark management group sub-regional quota based on overharvests since the total regional GOM reported landings have not exceeded the 2016 quota to date
- No change to the Atlantic blacknose shark quota; underharvest in 2016 accounted for all previous overharvests



# 2017 Proposed Adjusted Quotas, Retention Limits, and Opening Dates

Region or Sub-region	Management Group	2017 Annual Adjusted Quota	Quota Linkage	Commercial Retention Limits for Directed Shark Limited Access Permit Holders (inseason adjustments are possible)	Season Opening Dates
Eastern Gulf of Mexico	Blacktip Sharks	36.0 mt dw (79,400 lb dw)*	Not Linked	45 large coastal sharks other than sandbar sharks per vessel per trip	January 1, 2017
	Aggregated Large Coastal Sharks	85.5 mt dw (188,593 lb dw)	Linked		
	Hammerhead Sharks	13.4 mt dw (29,421 lb dw)			
Western Gulf of Mexico	Blacktip Sharks	331.8 mt dw (730,803 lb dw)*	Not Linked	30 large coastal sharks other than sandbar sharks per vessel per trip	
	Aggregated Large Coastal Sharks	72.0 mt dw (158,724 lb dw)	Linked		
	Hammerhead Sharks	11.9 mt dw (23,301 lb dw)			
Gulf of Mexico	Non-Blacknose Small Coastal Sharks	112.6 mt dw (248,215 lb dw)	Not Linked	N/A	
	Smoothhound Sharks	504.6 mt dw (1,112,441 lb dw)*	Not Linked	N/A	

\*Base quota adjusted based on underharvest in 2016.

Region or Sub-region	Management Group	2017 Annual Adjusted Quota	Quota Linkage	Commercial Retention Limits for Directed Shark Limited Access Permit Holders (inseason adjustments are possible)	Season Opening Dates
Atlantic	Aggregated Large Coastal Sharks	168.9 mt dw (372,552 lb dw)	Linked	36 large coastal sharks other than sandbar sharks per vessel per trip  If quota is landed too quickly (e.g. if approx. 20% of quota is caught at the beginning of the year), NMFS anticipates inseason reduction (e.g. to 3 or fewer large coastal sharks other than sandbar sharks per vessel per trip). We would consider an inseason increase (for example, 45 large coastal sharks other than sandbar sharks per vessel per trip) after considering the criteria for inseason adjustments around July 15, 2017.	Jan 1, 2017
	Hammerhead Sharks	27.1 mt dw (59,736 lb dw)			
	Non-Blacknose Small Coastal Sharks	264.1 mt dw (582,333 lb dw)	Linked (South of 34° N. lat. only)	N/A	
	Blacknose Sharks (South of 34° N. lat. only)**	17.2 mt dw (37,921 lb dw)			
	Smoothhound Sharks	1,802.6 mt dw (3,971,587 lb dw)*	Not Linked	N/A	
No regional quotas	Non-Sandbar LCS Research	50.0 mt dw (110,230 lb dw)	Linked	N/A	Jan 1, 2017
	Sandbar Shark Research	90.7 mt dw (199,943 lb dw)			
	Blue Sharks	273.0 mt dw (601,856 lb dw)	Not Linked	N/A	
	Porbeagle Sharks	1.7 mt dw (3,748 lb dw)			
	Pelagic Sharks Other Than Porbeagle or Blue	488.0 mt dw (1,075,856 lb dw)			

\*Base quota adjusted based on underharvest in 2016.

\*\*NMFS proposes to use the 2016 underharvest to cover the remainder of the 2012 and 2015 overharvests.

# Information Considered Regarding the Opening Date

- In December 2015, NMFS received extensive public comments concerning the lemon shark aggregation off the east coast of Florida and the 1/1/2016 opening date:
  - Over 600 e-mails and 40 phone calls to HMS Division Staff
  - A petition to postpone the opening date and an emergency hearing to delay the start date of the commercial fishing
  - Numerous articles were published about the shark season rule
  - A request from Florida Fish and Wildlife Conservation Commission to develop management measures for additional protection for Southeast Florida lemon shark aggregations
- NMFS held a public conference call on 12/11/2015, to answer questions regarding the Atlantic commercial shark fishery

# Information Considered Regarding the Opening Date

- 12/8/2015 Petition to postpone January 1 opening date
  - Challenged decision to open commercial fishing for Florida sharks and requested an emergency hearing to delay the start date
  - NMFS denied the request:
    - Provided no new or additional information that was not previously considered by the agency
    - Did not present recent, unforeseen events, recently discovered circumstances, or serious conservation or management problems in the fishery
- NMFS gave a presentation on the biology and current stock status of lemon sharks at the March 2016 HMS Advisory Panel meeting
- Amendment 10 to the 2006 Consolidated HMS FMP will address essential fish habitat and consider potential habitat areas of particular concern for HMS, including lemon sharks

# Proposing January 1 Start Date Again

- Reasons for proposing same opening date
  - No evidence that lemon shark landings have negatively impacted the lemon shark population
  - Petition presented no new or additional information that was not previously considered by the Agency that would warrant a different opening date
  - January 1 opening date meets the management objectives of the 2006 Consolidated HMS FMP and its amendments
- NMFS will consider through this rulemaking any comments on the opening date and any new information on lemon sharks (or other species) not previously considered, and may in the final rule, adjust the opening dates if warranted



# 2016 LCS Landings in the Atlantic Region

## Shark Commercial Landings from January 1 – August 26, 2016

Management Group	Shark Species	Landings	Total Landings	2016 Quota	% of 2016 Quota
Aggregated LCS	Blacktip	62.8 mt dw (138,378 lb dw)	91.0 mt dw (200,496 lb dw)	168.9 mt dw (372,552 lb dw)	54%
	Bull	7.4 mt dw (16,350 lb dw)			
	Lemon	4.5 mt dw (9,939 lb dw)			
	Tiger & Silky	3.1 mt dw (6,835 lb dw)			
	Spinner	13.2 mt dw (28,995 lb dw)			
Hammerhead	Scalloped, Smooth, & Great	11.0 mt dw (24,154 lb dw)	11.0 mt dw (24,154 lb dw)	27.1 mt dw (59,736 lb dw)	40%

- Commercial shark landings in the Atlantic region include landings from Maine through Florida
- Commercial shark landings do not include the shark research fishery landings in the Atlantic region
- Shark species are grouped due to confidentiality

# Request for Public Comments

Comment period closes on:

**September 28, 2016**

Please submit comments to:

<http://www.regulations.gov>

Keyword - "NOAA-NMFS-2016-0096"

**Comments can also be submitted via fax:** 301-713-1917, Attn: Guy` DuBeck / Karyl Brewster-Geisz

**Or Mail:** NMFS SF1, 1315 East-West Highway, Silver Spring, MD 20910

**Please identify comments with NOAA-NMFS-2016-0096**

For more information go to: <http://www.nmfs.noaa.gov/sfa/hms/>

**Additional Questions?**

[guy.dubeck@noaa.gov](mailto:guy.dubeck@noaa.gov) / [karyl.brewster-geisz@noaa.gov](mailto:karyl.brewster-geisz@noaa.gov) or 301-427-8503

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# Commercial Aggregated LCS Landings in the Atlantic Region

## Percentage of Total Aggregated LCS Landings by Year

<b>Shark Species</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Blacktip	56.3%	72.9%	73.1%	60.7%	50.3%
Bull	15.9%	8.3%	9.7%	7.0%	7.4%
Lemon	14.5%	7.3%	4.8%	2.8%	4.0%
Nurse	0.0%	< 0.1%	0.0%	0.0%	< 0.1%
Sandbar	30.1%	15.7%	13.4%	17.7%	24.6%
Silky	0.3%	< 0.1%	0.1%	0.1%	0.3%
Tiger	1.3%	3.6%	7.7%	5.5%	7.2%
Spinner	11.6%	7.9%	4.7%	6.3%	6.2%

- Commercial shark landings in the Atlantic region include landings from Maine through Florida
- Commercial shark landings include the shark research fishery landings in the Atlantic region